

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/100,595	BIGUS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wilbert L. Starks, Jr.	2129	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of 07/24/2007.
2. ☒ The allowed claim(s) is/are 30-32, 36-45, 47-60, 62-74 and 76-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Reasons For Allowance*

1. Claims 30-32, 36-45, 47-60, 62-74, and 76-80 are allowed.
2. The following is an Examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to teach the claimed invention of using autonomous agents to negotiate electronic commerce. Specifically, independent claims 30, 49, and 64 disclose the use of autonomous agent software to negotiate commerce.

The closest prior art of Aparicio, M. et al, Agent information contracts within virtual private networks, High-Assurance Systems Engineering Symposium, 1998. Proceedings. Third IEEE International, 13-14 Nov. 1998, pp. 304 - 311 teaches the use of autonomous agent software in a commerce negotiation environment, but fails to teach or suggest that the agents are actually doing the negotiation on behalf of the user. Specifically, Aparicio, M. et al teaches the following:

The negotiation of the contract instance is left to the responsible end-users, but the ContractAgents automate this stage through FIPA Agent Communication Language and its specification of the Contract Net protocol. See, section entitled: "2.3.1 Rule Templates" in Aparicio, M. et al, Agent information contracts within virtual private networks, High-

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Assurance Systems Engineering Symposium, 1998. Proceedings. Third IEEE International, 13-14 Nov. 1998, p. 308, first column, third full paragraph.

By contrast, the present application requires the following:

A dispatched **agent 100** communicates with the agent manager 32 to **conduct negotiations on behalf of the client**. See Applicant's Specification, page 23, lines 2-4.

Only to the extent that this feature is not taught in the prior art of record, independent claims 30, 49, and 64 and their dependents are allowable over the prior art of record.

Further, independent claim 78 discloses the use of autonomous agent software to negotiate commerce.

The closest prior art of Pinard et al (U.S. Patent Number 5,638,494; dated 10 JUN 1997; class 709; subclass 202) teaches the use of intelligent agent software configured in real time to achieve the same goal, but fails to teach or suggest determining the risk to a remote computer system. Specifically, Pinard et al teaches the following:

As shown in FIG. 6B, agents A and P may have **customized agent B to act differently given the same goal**. For example, the goal could be the button push on a telephone set. The agent B acts differently on these button pushes after being informed by the telephone agents A and P: Agent A could have set the button push to be a speed dial. Agent P could have customized it to be a line select. See, Pinard et al, column 10, lines 51-57.

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Only to the extent that this feature is not taught in the prior art of record, independent claim 78 and its dependents are allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

- A. Zachary et al. (U.S. Patent Number 6,427,142 B1; dated 30 JUL 2002; class 706; subclass 049) discloses an intelligent agent workbench.
- B. Gray (U.S. Patent Number 5,802,396 A; dated 01 SEP 1998; class 710; subclass 020) discloses an adaptive communication system.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (571) 272-3691.

Alternatively, inquiries may be directed to the following:

**S. P. E. David Vincent**

**(571) 272-3080**

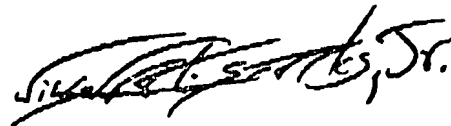
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**Official (FAX)**

**(571) 273-8300**

A handwritten signature in black ink, appearing to read "Wilbert L. Starks, Jr.", written in a cursive style.

Wilbert L. Starks, Jr.  
Primary Examiner  
Art Unit 2129

WLS

26 SEP 2007